THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.20500 of 2003

Date: 08.08.2007

Between:
N.Shiva Raj and another

... PETITIONERS

AND

The Joint Collector and others.

... RESPONDENTS

ORDER:

The petitioners challenge the seizure of about 397 quintals of rice by the District Supply Officer, Nizamabad, the second respondent herein, on 10.09.2003. They further challenge the proceedings initiated under the Essential Commodities Act (for short 'the Act') consequent upon the seizure.

The petitioners contend that in view of the notification issued by the Government of India in G.S.R.104(E), dated 15.02.2002, lifting the restrictions on stocking and movement of foodstuffs, the seizure is untenable.

In the counter-affidavit filed on behalf of the respondents, it is stated that the proceedings under Section 6-A of the Act are in progress and the petitioners can put forward all their contentions in the said proceedings.

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

It is no doubt true that the Government of India has removed the restrictions on stocking and movement of rice by issuing amendment to the control orders framed under the Act.

However, the circumstances, under which the stock was seized from the petitioners, are not immediately before this Court. The petitioners can put forward their contentions before the authority under Section 6-A of the Act.

Hence, the writ petition is disposed of, directing that the proceedings under Section 6-A of the Act initiated against the petitioners be disposed of within two months from the date of receipt of a copy of this order. It shall be open to the petitioners to submit explanation, within two weeks from today. There shall be no order as to costs.

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08.08.2007

kdl